

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CHRISTOPHER FORAKER,	:	
	:	
Plaintiff,	:	
	:	C.A. No. 04-1207-GMS
v.	:	
	:	
L. AARON CHAFFINCH, et al.,	:	
	:	
Defendants.	:	

**DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT**

Defendants L. Aaron Chaffinch, Thomas F. MacLeish, David B. Mitchell, and the Division of State Police, Department of Safety and Homeland Security, State of Delaware, through their undersigned counsel, move for summary judgment on all counts of the Complaint of Plaintiff Christopher Foraker. The grounds for this Motion are set forth in the Opening Brief in Support of Defendant's Motion for Summary Judgment, which is filed separately.

Respectfully submitted,

Dated: January 25, 2006

/s/ Noel C. Burnham  
Noel C. Burnham (DE Bar No. 3483)  
Richard M. Donaldson (DE Bar No. 4367)  
Montgomery, McCracken, Walker & Rhoads, LLP  
300 Delaware Avenue, Suite 750  
Wilmington, DE 19801  
Telephone: (302) 504-7840  
Facsimile: (302) 504-7820

Edward T. Ellis (Admitted Pro Hac Vice)  
Robert J. Fitzgerald (Admitted Pro Hac Vice)  
Montgomery, McCracken, Walker & Rhoads, LLP  
123 South Broad Street  
Philadelphia, PA 19109  
(215) 772-1500

*Counsel for Defendants L. Aaron Chaffinch,  
Thomas F. MacLeish, David B. Mitchell, and the  
Division of State Police, Department of Safety and  
Homeland Security, State of Delaware*

**CERTIFICATE OF SERVICE**

This is to certify that two (2) copies of Defendant's Motion for Summary Judgment were served by first class mail this 25th day of January 2006 on:

Thomas Stephen Neuberger, Esquire  
Stephen J. Neuberger, Esquire  
The Neuberger Firm, P.A.  
Two East Seventh Street  
Suite 302  
Wilmington, DE 19801

Martin D. Haverly, Esq.  
Two East Seventh Street  
Suite 302  
Wilmington, DE 19801-3707

*Attorneys for Plaintiff*

/s/ Noel C. Burnham  
Noel C. Burnham (DE Bar No. 3483)